

TECHNOLOGY SERVICES

Memorandum

Bryan Independent School District
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To: FCC - CC Docket No. 02-6 and CC Docket No. 96-45
From: Jennifer Bergland *Jennifer Bergland*
Re: Letter of Appeal for FRNs: 1404940 and 1404950
Date: May 1, 2007

THIS IS AN APPEAL for "FRN Service Start Date change dated April 18, 2007."

FRN numbers: 1404940 and 1404950

The Service Start Date Change Emlanation was: "120-Day486 Deadline."

Appellant name:	Bryan Independent School District
Applicant name:	Bryan Independent School District
Service Provider:	Managed Network Cabling, Inc.
BEN:	141398
Service Provider SPIN	143030166
Form 471 number:	510905
Form 486:	386168

Jennifer Bergland
Chief Technology Officer
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Background

In funding Year 1997-1998 the district had difficulty recovering funds (\$240,406) that the SLC had sent to a cabling contractor (SPIN 143009614) using the BEAR process. We received little or no help from federal or state law enforcement offices because they were not sure who had jurisdiction. The E-rate program was new and the waste and fraud efforts were in their infancy. The district decided to hire an attorney and after a long-protracted legal fight, the district was finally able to recover the funds. This experience has made the district very cautious when filing a Form 486. It is the district's position that when the SLD receives a Form 486 they are being notified by the district that the SLD can begin paying the vendor or the district when they receive either a Form 472 or a Form 474. There is always the possibility that a vendor may file a Form 474 and receive E-rate funding when the district intended to use the Form 472 process.

Current Situation:

The district received funding to cable two schools that have a 90% discount on October 31, 2006. The FRNs for these two schools are 1404940 and 1404950. The cabling project started on July 1,

2006 and payments had been made prior to the district receiving the Funding Commitment letter. Since the district had already started paying the contractor, the district would need to use the BEAR process to receive payment. In order to ensure that the contractor completes the job to the specifications of the contract the district held back a small contingency fee. The final inspection for this project was conducted on April 10, 2007.

On March 6, 2007 the district received an "Urgent Reminder that our Form 486 may be late". This notification indicated that the district had 20 days to submit the Form 486. On Saturday, March 24th, I was working on some E-rate related items because I was leaving town on the 25th to go to Houston, so that I could fly out of Houston early on Monday (26th), to attend a conference. I wanted to make sure I did not miss any deadlines. I created a Form 486 for several FRNs on that day and was going to leave them with my secretary to mail on the 26th. I usually use the Funds for Learning E-rate Manager system to create my Form 486s and then mail them to the SLD. The two FRNs in question were included in this Form 486. Their Form 486 either needed to be at the SLD on the 26th or be postmarked on that date. I later decided that since I would not be at the office on the 26th, and could not be certain that they would be mailed by the deadline, I better go back to the office on the 25th (Sunday) and submit them online before I left town.

On March 25th, I created the Form 486 in the online system on the SLD website. Around 3:00 PM on March 25th, I clicked on the submit button and I thought it had been submitted. Minutes later, when I went to e-certify the form, I got this error message, "The Security Number is invalid. Please check the entered value." I double-checked the security code. I had a screen shot giving me the code so I was able to make sure I had the correct code. I tried it several times and I kept getting this error. I created a pdf file of the error message to use as proof of my actions. Because this was on a Sunday, the SLD was closed so I could not call to see what action I should take.

I double-checked the letter I got from the USAC on March 6th, to see if I had to submit and certify or just submit the Form 486. In the fourth paragraph of this form there is a sentence that is in all capital letters. It says, "REMEMBER THAT YOUR FORM 486 MUST BE POSTMARKED OR SUBMITTED ONLINE WITHIN 120 DAYS OF YOUR SERVICE START DATE." I read that sentence several times and was satisfied that the form just had to be submitted. It was not until later that I read the next paragraph that states that it also needs to be certified.

Because I thought the most crucial part of the submission of the Form 486 for these two FRNs was completed and it was a Sunday and I could not call the SLD, I left town thinking I could deal with this when I returned from the business trip. When I returned I called the SLD to find out why the system would not let me use the security code it had given the Form 486 I created on the 25th. The case number for the call was 21-578-133. The service agent checked on the FRNs and told me that I had not submitted the Form 486 yet, that is why I could not e-certify the form. I immediately realized the seriousness of the problem. I repeated to her over and over, "This meant I missed a deadline". She told me I needed to go ahead and submit the Form 486 and certify it, so I did.

Because the error message I received on March 25th said that the "Security Number is invalid", I completely believed that I had submitted the Form 486 on March 25th. I thought there was something wrong with the security number the form was given and thus I was not able to go back into the system to certify the form. If it had indicated that the reason it would not let me into the certify portion of the system was because I had not submitted it, then I would have quickly gone back and attempted to submit it again.

Errors were made on my part. I realize now what I did wrong and what I need to do to make sure these mistakes will not happen again. I am appealing because I do believe that there were technical problems on March 25th with the SLD website, in not only in the submission of the form but also the error message. The error message needs to indicate exactly what the error was so that the user can react appropriately. I was attempting to meet the stated deadline in the letter dated March 6, and in fact thought I had done so. I also was trying to ensure that there was no waste, fraud or abuse by waiting until the last minute to file the Form 486 because the experience the district had with the cabling contractor in the first year of the program. I believe this appeal falls under the Bishop Perry

Middle School ruling in that under certain circumstances, rigid adherence to certain E-rate rules and requirements that are 'procedural' in nature does not promote the goals of section 254 of the Act – ensuring the access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest. Additionally, denying the request for funding these two FRNs would create undue hardship and prevent these otherwise eligible schools from receiving E-rate funding.

Attachments:

Screen shot of Form 486 Application Number and Security Code with handwritten notes of action taken on 3/25/2007. The date of when this was created is at the bottom,

Screen shot of error message indicating the security number is invalid with handwritten note of case number received when I called the SLD.

Letter from the USAC dated March 6.2007 with handwritten notes of the actions I took.



Form 486 - Application Number and Security Code

Billed Entity Number:
1141398

Billed Entity Name: BRYAN
INDEP SCHOOL DISTRICT

Form 486 Application Number: 386168

Form 486 Security Code: 13459

IMPORTANT: PLEASE RECORD YOUR FORM 486 APPLICATION NUMBER AND SECURITY CODE. IF YOU EXIT BEFORE COMPLETING THIS INTERVIEW, YOU WILL NEED THESE TWO NUMBERS TO RETURN TO THIS INTERVIEW.

Continue >>

*Tried to
Certify on
3/25/07*

*3:20 -
It told me
it was
an invalid*

[SLD Home](#) | Client Service Bureau: 1-888-203-8100

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21-578-133

Schools and Libraries Service Program

Receipt of Service Confirmation Form

Certify Complete

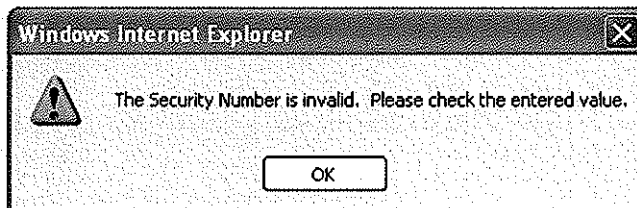
Enter the 486 Application Number and Security Number, then click either "Electronic Certification" or "Paper Certification"

486 Application Number:	386168
Security Number:	13459

Electronic Certification

Paper Certification

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Universal Service Administrative Company
Schools & Libraries Division

URGENT REMINDER: YOUR FORM 486 MAY BE LATE
(Funding Year 2006: 07/01/2006 - 06/30/2007)

Date: March 6, 2007

Jennifer Bergland
BRYAN INDEP SCHOOL DISTRICT
800 S TEXAS AVENUE
Bryan, TX 77803

*Mailed
March 26, 2007
Decided instead
to submit
3/25/2007*

RE: Billed Entity Number: BEN 141398
Form 471 Application Number: 510905

This letter is a reminder that you may have missed the deadline, based on your FCDL Date and the Service Start Date indicated on your FCC Form 471, Block \$ Discount Funding Request(s) for SUBMITTING and/or CERTIFYING your FCC Form 486, Receipt of Service Confirmation Form.

You have 20 days from the date of this letter to submit and/or certify your Form(s) 486 with no penalty, if your services did start at least 120 days before the above date.

If you fail to submit and certify your Form 486 by 03/26/2007 your Service Start Date will be adjusted once you submit and certify your Form 486. USAC may reduce your commitment for recurring services if your Service Start Date is adjusted.

THIS IS YOUR ONLY REMINDER. If your services have not yet started or have started within the last 120 days, REMEMBER THAT YOUR FORM 486 MUST BE POSTMARKED OR SUBMITTED ONLINE WITHIN 120 DAYS OF YOUR SERVICE START DATE.

Following this letter is a Form 486 Reminder Report (Report) that lists the Funding Request Number(s) for which either a Form 486 has not been submitted or a Form 486 has been submitted online, but not certified.

Form 486 is available in the Apply Online area of our website at www.usac.org/sl. We recommend that you use the Deadline Tool on our website to check the Form 486 deadlines for specific FRNs and other Program deadlines.

Complete Program information is available on our website. You may also contact our Client Service Bureau via email using the "Submit a Question" feature on our website, toll-free via fax at 1-888-276-8736 or toll-free via phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

Form 486 Reminder Report
Form 471 510905

We have not received your completed Form 486 and certifications - either online or on paper.

Funding Request Numbers(s)

1404940
1404950